
Public Utilities Commission of the State of California

Results of Public Agenda 3145

Meeting Held on Thursday, January 13, 2005 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, February 07, 2005 (San Francisco)	Thursday, January 27, 2005 (San Francisco)
Tuesday, February 22, 2005 (San Francisco)	Thursday, February 10, 2005 (San Francisco)
Monday, March 14, 2005 (San Francisco)	Thursday, February 24, 2005 (San Francisco)
	Thursday, March 17, 2005 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
-

Public Comment:

Re 52:

Betty Dietz, Canal Community Alliance, San Rafael, CA

Kristin Hatanaka, Asian Law Alliance, San Jose, CA

Malcolm Leung, Asian Law Caucus, San Francisco, CA

Victor Lopez, El Concilio of San Mateo County, Burlingame, CA

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

1

Res TL-19053

[4136]

Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

Outcome Approved

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

2

Res ALJ 176-3145

[4139]

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

3

[3736]

A99-12-025 - Valencia Water Company.

For approval of its updated Water Management Program as ordered in Commission Resolution W-4154 dated August 5, 1999. This decision awards The Angeles Chapter of Sierra Club \$4,074.18 for its contribution to D01-11-048 and D03-10-063. This proceeding is closed.

(Comr Brown - ALJ Patrick)

Agenda 3137, Item 23 8/19/2004 (Staff);

Agenda 3138, Item 7 9/2/2004 (Staff);

Agenda 3139, Item 3 9/23/2004 (Staff);

Agenda 3141, Item 1 10/28/2004 (Staff);

Agenda 3142, Item 3 11/19/2004 (Staff);

Agenda 3143, Item 1 12/2/2004 (Staff);

Agenda 3144, Item 1 12/16/2004 (Staff)

Outcome Held (1/27/05, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

4

[3926]

C03-09-004 - California Building Industry Association (CBIA) vs. San Diego Gas & Electric Company (SDG&E).

This decision denies the complaint of CBIA that SDG&E be required to seek prior Commission approval before updating cost factors and underlying assumptions used by SDG&E to prepare project-specific line extension estimates. This proceeding is closed.

(Comr Kennedy - ALJ Patrick)

Agenda 3141, Item 10 10/28/2004 (Kennedy);

Agenda 3142, Item 7 11/19/2004 (Kennedy);

Agenda 3144, Item 3 12/16/2004 (Peevey)

Outcome Signed

[D05-01-005](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

5

[4018]

C00-01-017 - Robert Hambley, for himself and, on behalf of the residents of Los Robles Mobilehome Park vs. Hillsboro Properties, a California Limited Partnership, and the City of Novato.

This decision denies the request of Golden State Mobilehome Owners League, Inc. (GSMOL) for intervenor compensation for its contribution to C00-01-017. GSMOL represented the complainant, Robert Hambly, et al. and also intervened in its own right. GSMOL's cost are not compensable under the intervenor compensation program. This proceeding is closed.

(Comr Brown - ALJ O'Donnell)

Agenda 3143, Item 8 12/2/2004 (Lynch);

Agenda 3144, Item 5 12/16/2004 (Kennedy)

Outcome Signed

[D05-01-006](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

6

[4057]

R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs.

This decision awards compensation for contributions to several Commission decisions, as follows: 1) The Utility Reform Network is awarded \$81,726.48 for its contributions to D03-08-067, D03-12-060, and D04-02-059. 2) Women's Energy Matters is awarded \$84,638.06 for its contributions to D03-01-038, D03-04-055, D03-07-034, D03-08-067, and D03-12-060, and several rulings issued in this proceeding.

(Comr Kennedy - ALJ Malcolm)

Agenda 3144, Item 11 12/16/2004 (Kennedy)

Outcome Signed

[D05-01-007](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

7

[4085]

A03-10-039 - Pacific Bell Telephone Company dba SBC California (SBC).

This decision adopts a Final Arbitrator's Report (FAR) setting telephone pole and conduit rates to be paid by SBC to SureWest Telephone, formerly known as Roseville Telephone. It also approves the full pole and conduit agreement (entitled the Support Structure Use Agreement) prepared and filed by the parties to this arbitration, which incorporates the FAR results. This proceeding is closed.

(ALJ Thomas)

Outcome Held (1/27/05, Consent Agenda. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

8

[4090]

A04-09-018 - Southern California Edison Company (SCE).

This decision grants SCE conditional authority under Section 851 to lease utility property to Target Corporation (Target). The property is located on SCE's 220 kilovolt transmission right-of-way in the City of Redondo Beach. Target intends to construct and operate a parking lot on the site. This proceeding is closed.

(Comr Brown - ALJ Kenney)

Outcome Signed

[D05-01-008](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

9

[4091]

A04-08-019 - Southern California Edison Company (SCE).

This decision grants the application of SCE and the City of Cerritos by authorizing their joint proposal to implement Assembly Bill 80 pursuant to their agreement. The agreement provides the conditions under which the City may act as a community aggregator on behalf of retail end-use customers within its jurisdiction following construction of the Magnolia Power Project in the City of Burbank. This proceeding is closed.

(Comr Brown - ALJ Malcolm)

Agenda 3144, Item 17 12/16/2004 (Brown)

Outcome Signed

[D05-01-009](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

10

[4105]

A04-06-029 - Spectrotel, Inc. (Applicant).

This decision denies Applicant's request for a certificate of public convenience and necessity based on the company's history of unlawful slamming. If Applicant engages in no further instances of slamming or other violations of law, it may reapply after one year. This proceeding is closed.

(Comr Kennedy - ALJ Prestidge)

Outcome Held (1/27/05, Consent Agenda. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

11

[4116]

Res W-4511 - Beasore Meadows Water Company (BMWC).

This resolution authorizes BMWC a general rate increase producing additional annual revenue of \$6,548 or 78.09% in 2003.

Agenda 3144, Item 25 12/16/2004 (Staff)

Outcome Held (1/27/05, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

12

[4133]

Res ST-72 - Los Angeles to Pasadena Metro Blue Construction Authority (PBLCA).

This resolution grants PBLCA authority, on behalf of Los Angeles County Metropolitan Transportation Authority, to deviate from the clearance requirements between messenger wires and structures of General Order 95, Overhead Electric Line Construction, Rule 37 at the Metro Gold Line Lake Avenue Station.

Outcome Approved

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

13

[4155]

Res T-16897 - Citizens Telecommunications Company of California (Citizens).

This resolution requires Citizens to apply a CHCF-B permanent surcredit rate of 3.63% and an additional surcredit rate of 2.95% to true up the provisional permanent surcredit, totaling 6.58%, for one year. Subsequently, Citizens will continue to apply the 3.63% permanent surcredit on the first day of the month after the twelve-month implementation period of the 6.58% total CHCF-B surcredit on all intrastate billings, with certain exceptions. (Advice Letter (AL) 722, filed October 24, 2001, and Supplement A, filed April 13, 2004. AL 732, filed November 29, 2001, and Supplements A, B, and C, filed December 10, 2001, August 1, 2002, and April 13, 2004, respectively)

Outcome Held (1/27/05, Regular Agenda. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

14

[4156]

A03-01-013 - Pasadena Avenue Monterey Road Committee (PAMRC).

A03-07-049, A03-07-050 - Related matters. In these consolidated cases, this decision adopts, with some additional conditions, a settlement among the City of South Pasadena (City), the Los Angeles County Metropolitan Transportation Authority (LACMTA), and the Los Angeles to Pasadena Metro Blue Line Construction Authority (Construction Authority). The settlement commits the settling parties to making certain improvements to warning devices at the at-grade crossings in the City and to take other measures to reduce noise from the operations of light rail vehicles on LACMTA's Gold Line in the City. The decision also grants in part the application of PAMRC to allow the bells on crossing gate arms at certain at-grade Gold Line crossings in South Pasadena to be silenced after the gate arms have descended. A03-01-013, A03-07-049, and A03-07-050 are closed.

(Comr Kennedy - ALJ Simon)

Outcome Held (2/10/05, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

15

[4157]

Res TL-19052

This resolution adjusts rates in Maximum Rate Tariff 4, governing the transportation of used household goods and personal effects by household goods carriers.

Outcome Approved

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

16
[4158]

C04-03-025 - City of San Diego, The Redevelopment Agency of the City of San Diego, and Padres, L.P. vs. San Diego Gas & Electric Company.

The City of San Diego (City), the City's Redevelopment Agency and the Padres, L.P. (jointly, complainants) bring this complaint to determine whether they, or defendant San Diego Gas & Electric Company (SDG&E), should bear the cost of installation work within a City redevelopment area. The cost of the installation work is \$652,575.30. The decision finds that SDG&E's Electric and Gas Tariff Rule 15 does not apply to the installation work, and that SDG&E is responsible for the cost of the installation work. This proceeding is closed.

(ALJ Econome)

Outcome Held (2/10/05, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

17 (Rev.)
[4159]

A04-09-014 - Gores Portfolio Holdings, Inc. and Global Tel*Link Corporation.

This decision grants the application of Global Tel*Link Corporation (Global) and Gores Portfolio Holdings, Inc. (Gores) for authorization pursuant to Pub. Util. Code §854 to transfer control of Global to Gores. This proceeding is closed.

(Comr Brown - ALJ Prestidge)

01/04/2005 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed

[D05-01-010](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

18
[4161]

Res T-16864 - Verizon California, Inc. (Verizon).

This resolution authorizes Verizon to revise its Tariff Schedules Cal. P.U.C. Nos. B-4, B-5, K-2 and K-5, to grandfather five of its calling plans; Easy Savings for Residence, Easy Savings for Business, Easy Savings Flat Rate Plus Plan for Business, Between Friends, and Business Value Cents. (Advice Letter 10902, filed July 8, 2004)

Outcome Approved

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

19

[4162]

Res T-16910

This resolution revokes, at their request, the authorities held by the following companies: CPCN# (U-) 4337 MG LLC; U-5186 USLD Communications, Inc.; U-5459 ACC long Distance Corp.; U-5621 Comdata Telecommunications Services; U-5713 Intermedia Communications, Inc.; U-5996 PNV.net, Inc.; U-6079 NuVox Communications, Inc.; U-6165 United States Advanced Networks, Inc.; U-6313 BCGI Communications, Corp.; U-6347 Promise Vision Technology, Inc.; U-6391 GoBeam Services, Inc.; U-6440 Novacom Global, LLC; U-6580 Stonebridge Communications, Inc.; U-6612 TDI Communications, Inc.; U-6668 Telemex, Ltd.; U-6683 Stonebridge Communications, Inc.; U-6801 Motion Telecom, Inc.; U-6847 Paramount Telecommunications, Inc.; U-6901 Global Unique Communications, Inc.

Outcome Approved

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

20

[4164]

A04-04-031 - Winstar Communications, LLC. (Winstar).

This decision authorizes Winstar to discontinue the provision of local exchange and interexchange services to approximately 1,904 customers. Winstar will continue to provide telecommunications services to its federal government customers. This proceeding is closed.

(Comr Peevey - ALJ Kenney)

Outcome Signed

[D05-01-011](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

21

[4165]

(ECP) C04-09-026 - Salvatore Vitale (Complainant) vs. Pacific Gas and Electric Company (PG&E).

This decision concludes that since PG&E took over 18 weeks to provide Complainant with an estimate for a replacement electric service to his house, and by then it was too late for Complainant to cancel the project, he should receive a refund of \$794.52. This proceeding is closed.

(Comr Brown - ALJ Patrick)

Outcome Signed

[D05-01-012](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

22

[4166]

A04-08-031 - Global Internetworking, Inc. (Applicant).

This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold competitive local exchange services in California. This proceeding is closed.
(Comr Kennedy - ALJ Prestidge)

Outcome Signed[D05-01-013](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

23

[4167]

A04-05-016 - GTC Telecom Corp. (Applicant).

This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local telecommunications services. This proceeding is closed.
(Comr Kennedy - ALJ Prestidge)

Outcome Signed[D05-01-014](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

24

[4168]

A03-12-018 - Sleepy Hollow Acres, Inc. dba Weimar Water Company and Gerry LaBudde.

This decision authorizes Frederic J. Fahlen to sell and transfer ownership of the Weimar Water Company to Gerry O. LaBudde. This proceeding is closed.
(Exam Jackson)

Outcome Signed[D05-01-015](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

25

[4169]

(ECP) C04-08-034 - Cornell Mitchell (Complainant) vs. Southern California Edison Company (Defendant).

Complainant seeks a refund of \$152.21, stating that he was erroneously billed. Held: Complainant is correct. Defendant shall credit Complainant \$152.21. This proceeding is closed.

(ALJ Barnett)

Outcome Signed[D05-01-016](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

26

[4170]

A04-04-016 - Los Angeles County Metropolitan Transportation Authority (MTA).

This decision grants MTA's request to construct, as part of MTA's Eastside Corridor Light Rail Transit Line, two-track at-grade highway-rail crossings across the Indiana Street/First Street intersection and across Third Street and, at MTA's Indiana Station, two-track at-grade pedestrian-rail crossings, each across the north and south station ends, in Los Angeles and an unincorporated area of Los Angeles County. This proceeding is closed.

(Exam Clark)

Outcome Signed[D05-01-017](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

27

[4171]

A04-05-030 - Sacramento Regional Transit District (District).

This decision grants the District's application to construct, maintain and operate over a new at-grade highway-rail crossing to be known as Mine Shaft Lane across the District and Union Pacific Railroad track in the County of Sacramento and to close the existing Mine Shaft Lane crossing. This proceeding is closed.

(Exam Clark)

Outcome Signed[D05-01-018](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

28

[4172]

A04-08-037 - Los Angeles County Metropolitan Transportation Authority (MTA).

This decision grants MTA's request to construct, as part of MTA's Eastside Corridor Light Rail Transit Line, two-track at-grade highway-rail crossings, each across Gage Avenue, across State Route 60 Freeway traffic on and off ramps, and across Downey Road, in an unincorporated area of Los Angeles County. This proceeding is closed.

(Exam Clark)

Outcome Signed[D05-01-019](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

29

[4173]

A04-09-004 - City of Eureka.

This decision grants the request of the City of Eureka to close J Street at-grade highway-rail crossing and to construct I Street at-grade highway-rail crossing over the tracks of the North Coast Railroad Authority in the City of Eureka, Humboldt County. This proceeding is closed.

(Exam Clark)

Outcome Signed[D05-01-020](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

30

[4174]

A04-09-016 - Crown Castle Solutions Corp. (Applicant).

This decision grants Applicant a certificate of public convenience and necessity for authority to provide limited facilities-based and resold local exchange and interexchange telecommunications services. This proceeding is closed.

(Comr Kennedy - ALJ Prestidge)

Outcome Signed[D05-01-021](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

31
[4177]

I02-06-003 - Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless, and related entities (collectively Cingular) to determine whether Cingular has violated the laws, rules and regulations of this State in its sale of cellular telephone equipment and service and its collection of an Early Termination Fee and other penalties from consumers.

This decision awards \$367,401.25 in intervenor compensation to Utility Consumers' Action Network for its contribution to D04-09-062.

(ALJ Vieth)

Outcome Held (1/27/05, Consent Agenda. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

32
[4179]

A04-07-048 - City of Los Angeles, Harbor Department.

This decision grants the request of the City of Los Angeles Harbor Department to construct an at-grade pedestrian-rail crossing adjacent to the intersection of O'Farrell Street and Harbor Boulevard in the San Pedro community of the City of Los Angeles, Los Angeles County. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D05-01-022](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

33
[4180]

A04-08-027 - State Coastal Conservancy.

This decision grants the request of the State Coastal Conservancy to construct a new at-grade bicycle/pedestrian crossing over the tracks of the Sonoma Marin Area Rail Transit Commission. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D05-01-023](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

34

[4181]

A04-10-011 - City of San Jose.

This decision grants the request of the City of San Jose to relocate, improve and make public an existing private highway-rail grade crossing at Autumn Street over the tracks of the Union Pacific Railroad and close the existing private highway-rail grade crossing at Lenzen Street, in the City of San Jose, Santa Clara County. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D05-01-024](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

35

[4185]

A04-09-025 - Mohammad R. Babakan, dba Inner-State.

This decision authorizes Mohammad R. Babakan to transfer his passenger stage corporation certificate to "R" Transportation Services, Inc. This proceeding is closed.

(Exam Clark)

Outcome Signed

D05-01-025

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

36

[4187]

(ECP) C04-07-046 - Lyndon B. Miller vs. Verizon Wireless.

Lyndon B. Miller disputed an early contract termination fee imposed by Verizon Wireless. Verizon Wireless cancelled the disputed fee and there is no dispute remaining. The complaint is dismissed and the proceeding is closed.

(Comr Brown - ALJ Patrick)

Outcome Signed

[D05-01-026](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

37 (Rev.)

[4188]

A02-05-004 - Southern California Edison Company (SCE).

I02-06-002 - Related matters. By petition dated December 1, 2004, the Office of Ratepayer Advocates (ORA) seeks modification of D04-07-022, which resolved Phase 1 of SCE's test year 2003 general rate case. ORA seeks to have removed from D04-07-022 certain provisions pertaining to a depreciation study based on a joint SCE/ORA management approach. This decision grants ORA's petition.

(ALJ Wetzell)

01/04/2005 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed

[D05-01-027](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

38

[4192]

Res T-16907 - Verizon California, Inc. (Verizon).

This resolution approves Verizon's request to grandfather Wide Area Telecommunications Service. The number of customers has been declining on this service. There are many alternatives for customers at least one of which is at a reduced cost. (Advice Letter 10923, filed July 16, 2004)

Outcome Approved

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

39

[4193]

A02-11-017 - Pacific Gas and Electric Company (PG&E).

For authority, among other things, to increase revenue requirements for electric and gas service and to increase rates and charges for gas service effective on January 1, 2003. I03-01-012, A02-09-005 - Related matters. This decision awards intervenor compensation to Aglet Consumer Alliance and the Natural Resources Defense Council for their contributions to D04-05-055.

(Comr Peevey - ALJ Halligan)

Outcome Signed

[D05-01-028](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

40

[4194]

A03-01-019 - Southern California Edison Company (SCE).

For authority to lower and adjust retail electric rates for all customer classes upon completion of full recovery of Procurement Related Obligations Account (PROACT) balance. This decision awards The Utility Reform Network \$20,181.60 in compensation for its contribution to D03-07-039 and D04-08-045, which lowered SCE's retail electric rates by \$1.25 billion. This proceeding is closed. (Comr Brown - ALJ Barnett)

Outcome Signed[D05-01-029](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Energy Orders

41 **R01-10-001 - Order Instituting Rulemaking to revise Commission General Order Numbers**
[3928] **95 and 128.**

The Commission on October 2, 2001, issued this R01-10-001 to revise General Order (GO) 95 and GO 128, which govern, respectively, the construction of overhead and underground supply and communications systems. Commission staff, industry representatives, labor organizations and the public conducted 16 months of twice-monthly two- and three-day public workshops throughout California. A total of 63 proposed revisions to existing rules were considered. Of these, 40 revisions are supported by consensus of the workshop participants; 15 were withdrawn, and 8 are in dispute. This decision adopts the consensus changes as a settlement pursuant to Rules 51, et seq., of the Rules of Practice and Procedure, notes the withdrawn proposals, and discusses and resolves the 8 disputed change proposals. Additionally, the decision adopts a plan to provide for future Commission review of GO 95 and GO 128. This proceeding is closed.

(Comr Brown - ALJ Walker)

Agenda 3141, Item 36 10/28/2004 (Staff);

Agenda 3143, Item 27 12/2/2004 (Staff)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

41a **ALTERNATE TO ITEM 3928**

[4153] This alternate resolves seven of the eight disputed changes proposals. The alternate decision directs staff to conduct further investigation of the proposed rule change dealing with construction requirements for attaching antennas to poles and towers.

(Comr Brown)

Outcome Signed

[D05-01-030](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

42

[3929]

A03-10-022 - Southern California Edison Company (SCE).

This decision adopts a joint SCE and Office of Ratepayer Advocates (ORA) recommendation to reduce the Energy Resource Recovery Account by a net amount of \$3,574,000 to reconcile certain audit issues. In all other respects, the decision finds SCE's procurement related and other operations were reasonable for the record period September 1, 2001 through June 30, 2003. The decision also defines the scope and standard of review for least cost dispatch and orders SCE and ORA to implement a master data request process. This proceeding is closed.

(Comr Peevey - ALJ Fukutome)

Agenda 3141, Item 37 10/28/2004 (Peevey);

Agenda 3142, Item 35 11/19/2004 (Kennedy);

Agenda 3144, Item 37 12/16/2004 (Kennedy)

Outcome Held (1/27/05. For Kennedy alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

43

[3978]

C04-08-011 - Eric Little vs. San Diego Gas & Electric Company.

This decision confirms the Assigned Commissioner and Administrative Law Judge's Ruling issuing Temporary Restraining Order, dated October 15, 2004.

(Comr Brown - ALJ Simon)

Agenda 3141, Item 40 10/28/2004 (Staff);

Agenda 3142, Item 39 11/19/2004 (Staff);

Agenda 3143, Item 31 12/2/2004 (Staff);

Agenda 3144, Item 40 12/16/2004 (Staff)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

44

[4066]

A03-08-004 - Pacific Gas and Electric Company (PG&E).

This decision addresses the competition transition charge (CTC) issues that were raised by the Merced Irrigation District and the Modesto Irrigation District in connection with PG&E's 2004 Energy Resources Recovery Account revenue requirement and the 2004 ongoing CTC revenue requirement.

(Comr Peevey - ALJ Wong)

Agenda 3144, Item 42 12/16/2004 (Peevey)

Outcome Signed

[D05-01-031](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

45 (Rev.)

[4103]

A00-11-038 - Southern California Edison Company (SCE).

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision awards The Utility Reform Network (TURN) \$1,043,871.80 in compensation for its further participation in the federal district court proceedings in which SCE and Pacific Gas and Electric Company challenged the Commission's jurisdiction to limit the utilities' recovery of increased wholesale procurement costs, and for its efforts in the judicial review of D02-06-070, which awarded TURN intervenor compensation for its earlier participation in those federal proceedings.

(Comr Brown - ALJ Allen)

Agenda 3144, Item 48 12/16/2004 (Kennedy)

01/07/2005 - This revision was not shown on the Agenda mailed to the public.

Outcome Held (1/27/05. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

46 (Rev.)

[4107]

R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration, and programs.

This decision addresses the threshold issues related to the administrative structure for energy efficiency programs beyond 2005. In particular, it resolves the issues of (1) what entity or entities should be responsible for selecting individual energy efficiency programs and managing the portfolio of selected programs during implementation and (2) what entity or entities should manage and contract for evaluation, measurement and verification (EM&V) of program results. Certain implementation issues related to the Commission's adopted approach to EM&V administration will be addressed in subsequent workshops.

(Comr Kennedy - ALJ Gottstein)

01/13/2005 - This revision was not shown on the Agenda mailed to the public.

Outcome Held (1/27/05. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Energy Resolutions and Written Reports

- 47**
[4152] **Res E-3904 - San Diego Gas & Electric Company (SDG&E).**
SDG&E submits an Advice Letter containing its first annual filing requesting recovery of costs recorded in the bark beetle Catastrophic Event Memorandum Account for the period April 3, 2003 through August 31, 2004. SDG&E's request is approved with modifications. (Advice Letter 1623-E, filed September 21, 2004)
Outcome Approved
Yes: (Brown, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 48**
[4154] **Res G-3372 - Pacific Gas and Electric Company (PG&E).**
PG&E seeks revisions to Gas and Electric Rule 17.1 - Adjustment of Bills for Billing Error and Rule 17.2 - Adjustment of Bills for Unauthorized Use, and addition of Gas and Electric Rule 17.3 - Limitation on Adjustment of Bills for Energy Use. Approved with modifications. (Advice Letter 2581-G/2568-E, filed October 15, 2004)
Outcome Approved
Yes: (Brown, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 49**
[4160] **Res E-3907 - San Diego Gas & Electric Company (SDG&E).**
SDG&E requests authorization to expand Assembly Bill 1X rate protection for non-residential CARE customers currently taking service under Schedule E-LI. SDG&E's request is approved with modifications. (Advice Letter 1627-E, filed October 8, 2004)
Outcome Approved
Yes: (Brown, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 50**
[4183] **Res E-3908 - San Diego Gas & Electric Company (PG&E).**
SDG&E submits revisions to electric transmission and reliability services rates. (Advice Letter 1636-E, filed November 5, 2004)
Outcome Approved
Yes: (Brown, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)

Telecommunication Orders**51**
[4039] **R93-04-003 - Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier networks.**

I93-04-002 - Related matters. This decision grants a petition by Verizon California to modify the interim unbundled network element (UNE) rates adopted in D03-03-033 based on recent increases in UNE rates for Verizon New Jersey. The changes include a decrease in the shared and common cost markup from 22% to 10%.

(Comr Peevey - ALJ Duda)

Agenda 3144, Item 56 12/16/2004 (Peevey)

Outcome Held (1/27/05. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

51a
[4198] **ALTERNATE TO ITEM 4039**

I93-04-002 - Related matters. This decision grants a petition by Verizon California to modify the interim unbundled network element (UNE) rates adopted in D03-03-033, based on recent increases in UNE rates for Verizon New Jersey. The alternate is identical to the draft decision of Administrative Law Judge Duda as originally mailed for comment on November 5, 2004.

(Comr Peevey)

Outcome Held (1/27/05. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

52
[4203] **R00-02-004 - Order Instituting Rulemaking on the Commission's Own Motion to Establish Consumer Rights and Consumer Protection Rules Applicable to All Telecommunications Utilities.**

Modification of D04-05-057 to stay effective date of decision.

(Comr Kennedy)

Outcome Held (1/27/05. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Telecommunication Resolutions and Reports**53**

[4163]

Res T-16913 - SBC California (SBC).

This resolution authorizes SBC to decrease its annual revenues by \$8.822 million effective February 1, 2005, subject to modification. ORA filed a protest regarding gain on sale of land. Telecommunications Division recommends that the gain on sale of land be subject to modification in the upcoming New Regulatory Framework review. This resolution is in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 25578, filed October 1, 2004)

Outcome Held (1/27/05. Possible alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Other Utility Orders**54**

[3824]

R98-07-038 - Rulemaking for purposes of revising General Order 96-A regarding informal filings at the Commission.

This interim decision adopts rules revisions that will eventually be codified in General Order 96-B and that concern advice letter filing, service, and suspension.

(Comr Kennedy - ALJ Kotz)

Agenda 3139, Item 7 9/23/2004 (Staff);

Agenda 3140, Item 4 10/7/2004 (Staff);

Agenda 3141, Item 3 10/28/2004 (Kennedy);

Agenda 3142, Item 4 11/19/2004 (Wood);

Agenda 3143, Item 3 12/2/2004 (Wood);

Agenda 3144, Item 59 12/16/2004 (Kennedy)

Outcome Signed

D05-01-032

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

54a

[4134]

ALTERNATE TO ITEM 3824

This alternate decision adopts rule revisions that will eventually be codified in General Order 96-B and that concern advice letter filing, service, and suspension. The difference from the proposed decision relates to which information carriers must provide when filing advice letters for new services.

Agenda 3144, Item 59a 12/16/2004 (Kennedy)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal

56

[3601]

C98-04-004 - Conference with Legal Counsel - Application for Rehearing

C98-06-003; C98-06-027; C98-06-049; I90-02-047 - Related matters. Disposition of Applications for Rehearing of D03-11-021 filed by The Latino Issues Forum (LIF), The Utility Reform Network, and SBC California. On November 13, 2003, the Commission issued D03-11-021, awarding intervenor compensation to The Greenlining Institute and LIF for its contribution to D01-09-058.

Agenda 3136, Item 97 7/8/2004 (Staff);

Agenda 3137, Item 97 8/19/2004 (Staff);

Agenda 3138, Item 48 9/2/2004 (Staff);

Agenda 3139, Item 53 9/23/2004 (Staff);

Agenda 3141, Item 53 10/28/2004 (Staff);

Agenda 3142, Item 60 11/19/2004 (Staff);

Agenda 3143, Item 48 12/2/2004 (Staff);

Agenda 3144, Item 65 12/16/2004 (Kennedy)

Outcome Held (1/27/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

57

[3833]

R01-09-001 - Conference with Legal Counsel - Application for Rehearing

I01-09-002 - Related matters. Disposition of Applications for Rehearing of D04-02-063 filed by the Office of Ratepayer Advocates and The Utility Reform Network. In D04-02-063, the Commission allowed SBC Pacific Bell Telephone Company to write off approximately \$400 million of a Post Retirement Benefit Other Than Pension regulatory assets above the line in 1998.

Agenda 3138, Item 55 9/2/2004 (Staff);

Agenda 3139, Item 57 9/23/2004 (Staff);

Agenda 3140, Item 37 10/7/2004 (Staff);

Agenda 3142, Item 61 11/19/2004 (Staff);

Agenda 3144, Item 69 12/16/2004 (Staff)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

58

[3895]

R03-09-006 - Conference with Legal Counsel – Application for Rehearing

Disposition of the application for rehearing of D04-04-038 filed by AT&T Wireless Services of California, LLC, Pacific Bell Wireless, LLC dba Cingular Wireless, Nextell of California, Inc, Sprint Spectrum L.P. dba Sprint, Omnipoint Communications, Inc. dba T-Mobile, and Verizon Wireless (collectively 'Wireless Carriers'). D04-04-038 resolved petitions to modify R03-09-006 and motions that sought to change the named respondents to this proceeding. D04-04-038 also granted motions for confidentiality filed by several utilities.

Agenda 3139, Item 59 9/23/2004 (Staff);

Agenda 3140, Item 39 10/7/2004 (Peevey);

Agenda 3141, Item 55 10/28/2004 (Staff);

Agenda 3142, Item 62 11/19/2004 (Lynch);

Agenda 3143, Item 49 12/2/2004 (Wood);

Agenda 3144, Item 66 12/16/2004 (Wood)

Outcome Signed

D05-01-033

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

59

[3966]

C03-05-023 - Conference with Legal Counsel – Application for Rehearing

Disposes of the application for rehearing of D04-05-006 filed by Raw Bandwidth Communications, Inc. D04-05-006 determined that SBC California and SBC Advanced Solutions, Inc. did not unreasonably discriminate or violate applicable law by connecting SBC Information Services (SBCIS) customers who dial 611 for digital subscriber line repair services to SBCIS, while telling customers of unaffiliated internet service providers (ISP) to hang up and call their ISP.

Agenda 3141, Item 57 10/28/2004 (Lynch);

Agenda 3142, Item 64 11/19/2004 (Staff);

Agenda 3143, Item 51 12/2/2004 (Staff);

Agenda 3144, Item 67 12/16/2004 (Kennedy)

Outcome Signed

D05-01-034

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

60

[3979]

A02-11-044 - Conference with Legal Counsel – Application for Rehearing

Disposition of Applications for Rehearing of D04-07-034 filed by the Office of Ratepayer Advocates, City of Fontana and the Fontana Unified School District. D04-07-034 authorizes a rate increase for the San Gabriel Valley Water Company (San Gabriel), Fontana Water Company Division. Among other things, the decision removes \$2.6 million from the ratebase, finding that is the amount of money the County of San Bernardino reimbursed San Gabriel for its water treatment facility, Plant F-10. The decision also finds that the Fontana Division is experiencing growth that is expected to continue and that it was barely able to meet its 2003 summer peak-day demand following four years of drought and closure of various contaminated wells. Further, the decision finds that it is not reasonable to defer addition for new plant in the Fontana Division until outside funding for contamination cleanup becomes available and finds that the utility has justified its proposed construction program including plans for needed plant additions that would increase its rate base at a rate of 10% per year. The decision advises that the utility to open a water quality memorandum account for any reimbursements from polluters or proceeds ultimately received. The decision permits the utility to purchase land for its new office building but requires it to defer building the new office building at this time. Because the utility has not, in the past, hired new personnel when funded to do so, the decision requires it to file an advice letter for inclusion of the costs of each new position authorized by it. In addition, the decision finds that that the utility's executive salaries are not unreasonable.

Agenda 3143, Item 52 12/2/2004 (Staff);

Agenda 3144, Item 68 12/16/2004 (Staff)

Outcome Held (1/27/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

61

[4028]

A04-08-009 - Conference with Legal Counsel – Application for Rehearing

Disposition of application for rehearing of Resolution E-3831, filed by Pacific Gas and Electric Company, Southern California Edison Company, Energy Producers and Users Coalition, Kimberly Clark Corporation, and Goodrich Aerostructures Group. In Resolution E-3831, the Commission implemented the cost responsibility surcharge for customer generation departing load, as mandated by D03-04-030, as modified by D03-04-041.

Agenda 3143, Item 53 12/2/2004 (Staff);

Agenda 3144, Item 70 12/16/2004 (Staff)

Outcome Signed

D05-01-035

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

62

[4130]

A02-07-022 - Conference with Legal Counsel - Application for Rehearing

Order disposing of applications for rehearing of D04-07-026, in which the Commission certified the Final Environmental Impact Report and granted a CPCN for SDG&E's Miguel Mission 2340kV transmission project. Applications for rehearing were filed by the City of Santee, Santee Citizens for Safe Power, San Diegans for Fair Power, and the Eucalyptus Hills Landowners Association.

Agenda 3144, Item 74 12/16/2004 (Staff)

Outcome Held (1/27/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

63

[4131]

A03-03-043 - Conference with Legal Counsel – Application for Rehearing

Disposition of the request for leave to file an application for rehearing and application for rehearing of D04-07-027 filed by NOPE. D04-07-027 granted Southern California Edison a permit to construct a new substation in the City of Lake Forest and certain new transmission facilities through the City of Mission Viejo, as described in the Final Mitigated Negative Declaration (FMND). D04-07-027 also certified the FMND.

Agenda 3144, Item 75 12/16/2004 (Staff)

Outcome Held (1/27/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

64

[4178]

A00-11-038 - Conference with Legal Counsel - Application for Rehearing

A00-11-056, A00-10-028 - Related matters. Disposition of Application for Rehearing of D04-12-014 filed by San Diego Gas & Electric Company (SDG&E). In D04-12-014, the Commission adopted a permanent methodology for allocating the Department of Water Resources' revenue requirement for 2004 and beyond.

Outcome Signed

D05-01-036

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

65

[4195]

C04-06-009 - Conference with Legal Counsel - Application for Rehearing.

Disposition of Application for Rehearing of D04-10-028 filed by Tom Horsley (complainant). D04-10-028 denied complainant's request that SBC California be required to change its method of calculating credits for surcharges and taxes on refunds to customers, and determined that the complaint was time-barred and should be dismissed strictly on procedural grounds. D04-10-028 also determined that the complaint failed to establish that SBC California violated any statute, rule or order.

Outcome Signed

D05-01-037

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)